Court of Chancery (Ireland) (No. 3.) Bill.

ARRANGEMENT OF CLAUSES.

Sect.		Corresponding Clauses in former Acts
1.	Office of Master in Ordinary in Chancery abolished, except Receiver Master	15 & 16 Vict. c. 80. s. 1.
2.	No Vacancy in Office of Master to be filled up, except that of Receiver Master	15 & 16 Vict. c. 80. s. 2.
3.	Masters may be released from their Duties	15 & 16 Vict. c. 80. s. 3.
4.	Masters Salaries continued by way of Retiring Pension	15 & 16 Vict. c. 80. s. 5.
5.	Retiring Pension to be paid as present Salaries	15 & 16 Vict. c. 80. s. 6.
6.	Masters may summon Parties to wind up Proceedings	15 & 16 Vict. c. 80. s. 7.
7.	Court may order Prosecution of Suit	15 & 16 Vict. c. 80. s. 8.
8.	Master may proceed notwithstanding Abatement	17 & 18 Vict. c. 100. s. 1.
9.	Master may certify Change of Interest	17 & 18 Vict. c. 100. s. 2.
10.	Certificate to have effect of a Suggestion	17 & 18 Vict. c. 100. s. 3.
11.	If Master unable to obtain Information, Court may dispose of Matter	17 & 18 Vict. c. 100. s. 4
12.	Master may make Special Certificate	17 & 18 Vict. c. 100. s. 7.
13.	On Neglect of Parties, Solicitor for Minors may proceed	15 & 16 Vict. c. 80. s. 9.
14.	No fresh Reference to Masters	15 & 16 Vict. c. 80. s. 10.
15.	After first Vacancy, Number of the Judges of the Landed Estates Court reduced to Two.	
16.	Appointment of Two Vice-Chancellors.	
17.	Option of first Appointments to Judges of the Landed Estates Court and Masters in Seniority.	
18.	Appointment of Successors of Vice-Chancellors	5 Vict. c. 5. s. 20.
19.	Jurisdiction and Powers of the Vice-Chancellors	5 Vict. c. 5. s. 22.
20.	To sit for Lord Chancellor when required	5 Vict. c. 5. s. 23.
21.	Rank and Precedence of Vice-Chancellors.	
22.	To hold during good Behaviour	5 Vict. c. 5. s. 27.
23.	Oath of Office of Vice-Chancellors	5 Vict. c. 5. s. 28.
24.	Power of Master of Rolls and Vice-Chancellors to sit at Chambers	15 & 16 Vict. c. 80. s. 11
25.	Lord Chancellor to provide Chambers	15 & 16 Vict. c. 80. s. 12.
26.	Judges to have same Jurisdiction in Chamber as in Court	15 & 16 Vict. c. 80. s. 13
27.	Orders to be made up from Minutes of Judges	15 & 16 Vict. c. 80. s. 14
28.	Orders to have Force of Orders of the Court	15 & 16 Vict. c. 80. s. 15
29.	Judges to appoint Examiners	15 & 16 Vict. c. 80. s. 16.
30.	Option of accepting Office of Examiner in certain Cases.	
31.	Judges to appoint Clerks	15 & 16 Vict. c. 80. s. 18
32.	Officers removable for accepting Fees, &c	15 & 16 Vict. c. 80. s. 19.
33.	Solicitors appointed to be struck off the Rolls	15 & 16 Vict. c. 80. s. 20.
34.	Examiners to hold during good Behaviour	15 & 16 Vict. c. 80. s. 21
35.	Clerks to hold during Pleasure	15 & 16 Vict. c. 80. s. 22.

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Sec.		Corresponding Clauses in former Acts
36.	Examiners and Clerks to be under the Direction of the Judges	15 & 16 Vict. c. 80. s. 23
37.	Examiners and Clerks subject to Penalties	15 & 16 Vict. c. 80. s. 24
38.	Power of Lord Chancellor to remove Examiner	15 & 16 Vict. c. 80. s. 25.
39.	Business to be disposed of in Chambers	15 & 16 Vict. c. 80. s. 26.
40.	Adjournment from open Court to Chambers, and vice versâ	15 & 16 Vict. c. 80. s. 27.
41.	Proceeding to be by Summons	15 & 16 Vict. c. 80. s. 28
42.	Judges may direct what Matters shall be investigated by themselves, and what by the Examiner	15 & 16 Vict. c. 80. s. 29
43.	Power of the Examiner to issue Advertisements, &c.	15 & 16 Vict. c. 80. s. 30
44.	All Powers belonging to Masters to be exercised by Judges	15 & 16 Vict. c. 80. s. 36.
45.	Power of Judges to dispose of pending Causes	15 & 16 Vict. c. 80. s. 37.
46.	General Rules and Orders	15 & 16 Vict. c. 80. s. 38.
47.	Masters Business, how to be conducted	15 & 16 Vict. c. 80. s. 39.
48.	Assistance of Accountants, &c.	15 & 16 Vict. c. 80. s. 42
49.	Fees to Accountants	15 & 16 Vict. c. 80. s. 43.
50.	Salaries of Vice-Chancellors.	
51.	Retiring Pensions to Vice-Chancellors.	
52.	Appointment of Court Keepers, &c.	
53.	Salaries to Examiners	15 & 16 Vict. c. 80. s. 44.
54.	On Retirement of Masters, their Examiners entitled to retiring Pensions	15 & 16 Vict. c. 80. s. 46.
55.	Compensation to Clerks	15 & 16 Vict. c. 80. s. 47.
56.	Salaries to be paid quarterly out of the Suitors Fee Fund	15 & 16 Vict. c. 80. s. 48.
57.	Compensations to be paid quarterly	15 & 16 Vict. c. 80. s. 49.
58.	On Appointment of Masters, &c. to other Employment	15 & 16 Vict. c. 80. s. 50.
59.	Establishment of Master to continue till released	15 & 16 Vict. c. 80. s. 58.
60.	Office of Receiver Master to continue.	
61.	Powers of the Receiver Master.	
62.	Duties of the Receiver Master.	
63.	References to Receiver Master	
64.	Construction of Terms.	

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TO

Amend the Constitution of the Court of Chancery in Ireland, and to reduce the Number of Judges in the Landed Estates Courts.

Preamble

WHEREAS certain Proceedings before the Masters in Ordinary of the High Court of Chancery in Ireland are attended with Delay and Expense, and it is expedient that such Business now disposed of in the Office of such Masters should be transacted by and under the more immediate Direction and Control of the Judges of the said Court: And whereas the Number of the Judges of the Landed Estates Court in Ireland may be reduced without Detriment to the Public Service: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Office of Master in Ordinary in Chancery abolished, except that of Receiver Master.

1. The Office of Master in Ordinary of the said High Court of Chancery, except that of the Receiver Master of said Court, shall be and the same is hereby abolished, but reserving and subject to the Execution by the present Masters in Ordinary of the said Court, as such, of the Duties herein-after provided for; and until they are released under this Act they shall, for the Performance of such

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Duties, continue to have all the Powers conferred upon them by any Act of Parliament or otherwise vested in them.

Vacancies not to be filled up. 15 & 16 Vict. c. 80. s. 2

2. No Vacancy which has already occurred or may hereafter occur in the Office of Master in Ordinary of the said Court, other than that of Receiver Master, shall be filled up, and no Vacancy which has already occurred in the Office of Master's Examiner, Assistant Clerk, or Registrar to such Master, other than the Receiver Master, shall be filled up, save as herein-after provided.

Masters may be released from their Duties 15 & 16 Vict. c. 80. s. 3.

3. So often as, in the Judgment of the Lord Chancellor, from the State of Business in the said Court, any Master whose Office is hereby abolished can be spared, it shall be lawful for the Lord Chancellor to release any such Master at such Time as to him shall seem meet.

Masters Salaries continued by way of Retiring Pension 15 & 16 Vict c. 80. s. 5.

4. Each One of the Masters to be so released shall nevertheless continue entitled to receive during his Life, by way of Retiring Pension, the full Amount of his Salary as such Master.

Retiring Pension to be paid in the same Manner as present Salaries 15 & 16 Vict c. 80. s. 6

5. *The Salaries or Retiring Pensions payable to the Masters so to be released shall continue or be payable out of the same Funds, on the Days, and in the same Manner in all respects, as their present Salaries respectively.*

Power to Masters to summon Parties, &c., and to settle and wind up Proceedings before them. 15 & 16 Vict. c. 80. s. 7.

6. In order as expeditiously as may be to wind up all the Causes, Matters, and Things which may from Time to Time be depending before or have been referred to any of the said Masters in Ordinary whose Office is hereby abolished, it shall be lawful for every Master, at any Time after the passing of this Act, to summon as he shall deem fit all or any of the Parties to any Cause, Matter, or Thing so depending, or their Solicitors, and thereupon to proceed with such Cause, Matter, or Thing, and give such Directions and make such Order as he may think necessary for the Purpose of settling and winding up the same; but any such Order shall be subject to be discharged or varied by the Court upon Application made for that Purpose; and the Master shall be at liberty to proceed for the Purposes aforesaid in the Absence of any of the Parties or Solicitors neglecting or refusing to attend the Summons.

Power to Court, upon Master's Report or Certificate, to make Order for Prosecution

7. In case the Master shall be unable, by reason of the Conduct of Parties, or otherwise, to finally dispose of any Cause, Matter, or Thing, he shall be at liberty to dispose of any Part thereof within his Power, and to report or certify on the whole of the Case; and upon such Report or Certificate the Court shall make such Order as it

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it shall think proper on all or any of the Parties, for the further Prosecution of the Suit or Matter, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

or final Disposal of any Suit, &c. and for Payment of Costs, &c. 15 & 16 Vict. c. 80. s. 8.

8. Upon a Suit in which any Proceeding may from Time to Time be depending before any such Master becoming abated by Death, Marriage, or otherwise, or becoming defective by reason of some Change or Transmission of Interest or Liability, it shall be lawful for such Master, notwithstanding that the Suit has become abated or defective, to summon, as he shall deem fit, all or any of the Parties to the Suit or Proceeding, or their or any of their Solicitors, and to require and obtain from them or any of them such Information as may to him seem necessary or proper respecting the Abatement of the Suit, or respecting the same having become defective, and the Change or Transmission of Interest or Liability, and respecting the Person or Persons by and against whom the Suit and Proceedings ought to be revived, or the Decree or Order carried on and prosecuted, for which Purpose such Master shall be at liberty to proceed in the Absence of any of the Parties or Solicitors neglecting or refusing to attend to his Summons.

Notwithstanding Suit abated or defective, Master may proceed. 17 & 18 Vict. c. 100 s. 1.

9. In case such Master shall by the Means aforesaid or otherwise obtain sufficient Information for his Guidance in this Behalf, he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective, and the Change or Transmission of Interest or Liability.

Master may certify Change of Interest. 17 & 18 Vict. c. 100. s. 2.

10. The Master's Certificate shall be filed, and Notice thereof served by and upon such Person as the Master may direct; and the Person so served shall from the Time of such Service being made become a Party to the Suit, and be bound in all respects in the same Manner as if an Order of Revivor or a Supplemental Decree had been made upon a Bill or Cause Petition duly filed for that Purpose.

Certificate to have effect of Revivor Notice. 17 & 18 Vict. c. 100. s. 3.

11. In case such Master shall not be able to obtain sufficient Information for his Guidance in certifying as aforesaid, he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective, and the Change or Transmission of Interest or Liability, and that by reason thereof he is unable to dispose of the Proceeding pending before him in the Suit; upon which Certificate the Court shall make such Order as it shall think proper on all or any of the Parties, for the further Prosecution of the Suit,

If Master unable to obtain Information, the Court may dispose of Suit. 17 & 18 Vict. c. 100. s. 4.

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or for the final Disposal thereof, and for the Payment of the Costs thereof, including any Costs which may have been incurred by reason of the Conduct of the Parties.

Master may certify specially any Decision. 17 & 18 Vict. c. 100. s. 7.

12. In any Suit which may from Time to Time be pending before or have been referred to any Master, he shall be at liberty to certify specially any Decision at which he may arrive or any other Matter relating thereto, in order to obtain a Decision or Direction by or from the Court for his Guidance in the further Proceedings, or to enable any Party to obtain the Opinion of the Court with reference thereto.

On Neglect of Parties to bring Master's Report before the Court, Solicitor for Minors and Lunatics to do so, and his Costs provided for. 15 & 16 Vict. c. 80. s. 9.

13. In the event of the Parties in any Cause, Matter, or Thing, or their Solicitors, refusing or neglecting, within a Time to be fixed by the Master, to file or bring the Master's Report or Certificate before the Court, or to serve any Order when drawn up as aforesaid, the same may, by Direction of the Master, be filed or brought before the Court, or the Order may be served and proceeded with by the General Solicitor for the Time being in the Matter of Minors and Lunatics; and the Court is hereby empowered to order Payment of the Costs and Expenses of the General Solicitor in the Matter of Minors and Lunatics out of such of the Funds in the Cause, Matter, or Thing, or by such Parties, as to the Court shall seem just; and in case Payment thereof cannot be obtained by any of the Means aforesaid, the same, by the Direction of the Court, may be paid out of the Suitors Fee Fund.

No fresh References to Masters, except in Cases already before them, and in respect of the Receiver Master.

Until all the Masters are released from their Duties, those remaining shall prosecute all the Business depending. 15 & 16 Vict. c. 80. s. 10

14. From and after the *First Day of Michaelmas Term One thousand eight hundred and sixty-five* no Reference shall be made to any of the Masters in Ordinary of the said Court, except in Cases in which, from some previous Reference made in the Cause or Matter, or in some other Cause or Matter connected therewith, the Court may think it expedient to make such Reference, and except in the Case of the Receiver Master and as to such References as are herein-after directed: Provided always, that until all the Masters in Ordinary of the said Court shall have been removed by Resignation, Death, or otherwise, or have been released from their Duties under this Act, such of the Masters in Ordinary of the said Court as shall for the Time being remain in Office, and shall not be released from their Duties under this Act, shall prosecute all the Business which on the First Day of Michaelmas Term One thousand eight hundred and sixty-five shall be depending before the Masters, and also all the References which before the said First Day of Michaelmas Term One thousand eight hundred and sixty-five shall have been made under Decrees or Orders of the Court, or which on

or

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or after the same First Day of Michaelmas Term shall be made in relation to such excepted Matters as aforesaid; and the same, if necessary, shall be distributed amongst such remaining Masters in such Manner as the Lord Chancellor shall direct; and the Powers and Authorities now vested in them are hereby reserved to them for the Purpose of executing and performing all the Duties, Matters, and Things which may be still referred to them, or which they may be lawfully called upon to perform.

Power now vested in Masters reserved to them for such Purposes.

15. As soon as any Vacancy has occurred or shall occur in the Office of Judge of the Landed Estates Court in Ireland by Death, Resignation, or Removal of any of the Judges of the said Court, the Number of the Judges of the said Court shall from thenceforward be reduced to Two, and any Vacancy having occurred or which may occur in respect of the Office of the Judge first dying, resigning, or being removed, shall not be filled up.

After first Vacancy, Number of Judges in Landed Estates Court reduced to Two.

16. It shall be lawful for Her Majesty to nominate and appoint by Letters Patent under the Great Seal of Ireland Two fit Persons, each of whom being or having been a Barrister-at-Law of *Fifteen Years* standing at the least, to be Judges' Assistant to the Lord Chancellor in the Discharge of the Judicial Functions of his Office, such additional Judges to be called Vice Chancellors of Ireland: Provided that no Vice Chancellor appointed under this Act shall during his Tenure of Office be capable of sitting in the House of Commons.

Appointment of Vice Chancellors. 53 Geo. 3. c. 24.

17. The Option of accepting One of the said Offices of Vice Chancellor shall in the first instance be tendered to the Senior Judge of the Landed Estates Court, and in case of his Refusal to the Second Judge of said Court, and so in like Manner to the Third Judge, and the Option of accepting the other of the said Offices of Vice Chancellor shall in like Manner in the first instance be tendered to the Senior Master in Ordinary of the said Court of Chancery, and in case of his Refusal to the Second Master of said Court, and so in like Manner to the Third Master.

Option of first Appointments to be given to Senior Judge of Landed Estates Court and Senior Master in Ordinary.

18. From Time to Time when and as often as any Vacancy shall occur in the Office of either of the Vice Chancellors who shall be appointed under this Act, by the Death, Resignation, or Removal from Office of such Vice Chancellor or his Successor for the Time being, it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of Ireland, to appoint a fit Person, being or having been a Barrister of Fifteen Years standing at the least, to supply such Vacancy.

Appointment of Successors of the Vice Chancellor. 5 Vict. c. 5 s. 20.

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Jurisdiction and Powers of the Vice Chancellors. 53 Geo. 3. c. 24. s. 2. 5 Vict. c. 5. s. 22.

19. Each of such Vice Chancellors shall have full Power to hear and determine all Suits which are or shall be at any Time depending in the Court of Chancery in Ireland as a Court of Equity, or incident to any Ministerial Office of the said Court, or which shall have been or shall be submitted to the Jurisdiction of the said Court or of the Lord Chancellor by the special Authority of any Act of Parliament; and all Decrees, Orders, and Acts of each of the said Vice Chancellors so made or done shall be deemed and taken to be respectively, as the Nature of the Case shall require, Decrees, Orders, and Acts of the said Court of Chancery, or of such incident Jurisdiction as aforesaid, or under such special Authority as aforesaid, and shall have Force and Validity and be executed accordingly, subject nevertheless to be afterwards reversed or altered in like Manner as if they were Decrees, Orders, or Acts of the Lord Chancellor or the Master of the Rolls; and no such Decree shall be enrolled until the same shall be signed by the Lord Chancellor.

To sit for Lord Chancellor when required. 5 Vict. c. 5. s. 23.

20. Every such Vice Chancellor shall sit for the Lord Chancellor whenever the Lord Chancellor shall require him so to do.

Rank and Precedence of the Vice Chancellors.

21. The Vice Chancellors shall have Rank and Precedence next after the Lord Justice of the Court of Appeal in Chancery in Ireland, provided the latter shall not have held the Office of Lord High Chancellor of Ireland, and in case the Lord Justice of the Court of Appeal for the Time being shall have held the Office of Lord High Chancellor of Ireland, then the Vice Chancellors shall have Rank and Precedence next after the Lord Chief Baron of Her Majesty's Court of Exchequer in Ireland.

To hold during good Behaviour. 5 Vict. c. 5 s. 27.

22. Every such Vice Chancellor shall hold his Office during his good Behaviour; provided always, that it shall be lawful for Her Majesty to remove any such Vice Chancellor from his Office upon an Address of both Houses of Parliament.

Oath of Office of Vice Chancellor. 5 Vict. c. 5. s. 28.

23. Every such Vice Chancellor shall, previous to his executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

'I do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Vice Chancellor. So help me GOD.'

Power to Master of the Rolls

24. From and after the First Day of Michaelmas Term One thousand eight hundred and sixty-five it shall be lawful for the Master

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Master of the Rolls and the Vice Chancellors for the Time being and they are hereby required to sit at Chambers for the Despatch of such Part of the Business of the said Court as can, without Detriment to the Public Advantage arising from the Discussion of Questions in open Court, be heard in Chambers, according to the Directions herein-after in that Behalf specified or referred to; and the Times at and during which they respectively shall so sit shall be from Time to Time fixed by them respectively.

and Vice Chancellors to sit at Chambers for the Despatch of Business, &c. 15 & 16 Vict c. 80. s. 11.

25. The Chamber Business of the Master of the Rolls and of each Vice Chancellor shall be carried on in conjunction with his Court Business; and it shall be lawful for the Lord Chancellor to cause Chambers to be provided for that Purpose.

Lord Chancellor to provide Chambers for Master of the Rolls and Vice Chancellors 15 & 16 Vict c. 80. s. 12.

26. The Master of the Rolls and each of the Vice Chancellors respectively when sitting in Chambers shall have the same Power and Jurisdiction in respect of the Business to be brought before them, as if they were respectively sitting in open Court.

Judges to have same Power and Jurisdiction as in open Court 15 & 16 Vict c. 80. s. 13.

27. The Orders made by the Master of the Rolls and Vice Chancellors respectively when sitting in Chambers shall ordinarily be drawn up there by their respective Clerks, to be appointed as hereinafter mentioned, from Minutes made by the Judges in Court, but with Power to each of such Judges to direct any of such Orders to be drawn up by the Registrar of the said Court in like Manner as Orders made by a Judge of the said Court in open Court are drawn up, for which Purpose the Registrars of the said Court shall, when required, attend the Master of the Rolls and the Vice Chancellors respectively when sitting at Chambers in such Manner as shall be found most convenient for furthering the Business of the said Court.

Orders made in Chambers to be ordinarily drawn up by Judges Clerks, but Judges may direct Registrars to do it, and require their Attendance at Chambers for the Purpose. 15 & 16 Vict. c 80. s. 14.

28. All Orders of the Master of the Rolls or of any Vice Chancellor, made at Chambers, shall have the Force and Effect of Orders of the Court of Chancery, and such Orders may be signed and enrolled in like Manner.

Orders made at Chambers to have same Force as Orders of Court, &c 15 & 16 Vict c 80 s. 15.

29. It shall be lawful for the Master of the Rolls and each of the Vice Chancellors for the Time being respectively, with the Approbation of the Lord Chancellor, to appoint an Examiner each to be respectively attached to each such Judge and his Successors in Office, for the Purpose of assisting in the general Business of each Court and the Causes and Matters belonging thereto, and on any Vacancy in such Office of Examiner to supply such Vacancy.

Power to Judges to appoint Examiner to each Court to assist in the Business of the Court. 15 & 16 Vict. c 80. s. 16.

30. The Option of accepting the Office of Examiner to any of the Judges of the Landed Estates Court who shall accept the Office of

Option of accepting Office of

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Examiner in certain Cases.

of Vice Chancellor, shall in the first instance be tendered to the Examiner of such Judge; and in like Manner the Option of accepting the Office of Examiner to any of the Masters in Ordinary of said Court of Chancery who shall accept the Office of Vice Chancellor, shall in the first instance be tendered to the Examiner of said Master.

Power to Judges to appoint Clerks. 15 & 16 Vict. c. 80. s. 18.

31. It shall be lawful for the Judge of each Court respectively to appoint a Clerk to the Examiner of his Court, and on any Vacancy in such Office to supply such Vacancy.

Power to Lord Chancellor to remove any Officer appointed under this Act engaging in other Employment or accepting any Fee or Emolument whatever other than his Salary. 15 & 16 Vict. c. 80. s. 19.

32. If any Person who shall accept any Office under this Act shall engage in any other Employment whatever whilst he holds such Office, or shall receive any Sum of Money or Benefit other than his Salary and what may be allowed or directed to be taken by him under any Act of Parliament or Order of the said Court or of the Lord Chancellor, for any Act done or pretended to be done, or any Attendance given or pretended to be given, either with or without the Consent or Direction or pretended Consent or Direction of the Judge, in relation to or arising out of any Proceeding in his Office, or in any Office of or connected with the Court of Chancery, or if such Person, being or having been a Solicitor or Attorney, shall directly or indirectly receive or secure to himself any continuing Benefit from any Business or Firm in which he may have been engaged previously to his Appointment to such Office, the Person so offending may be removed from his Office by Order of the Lord Chancellor, and shall be rendered incapable of afterwards holding any Office, Situation, or Employment in the said Court.

Solicitors, &c. appointed to any Office under this Act to be struck off the Rolls. 15 & 16 Vict. c. 80. s. 20.

33. Every Solicitor or Attorney who shall be appointed to and shall accept any Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record at Dublin on which his Name may be.

Examiners to hold Office during good Behaviour; 15 & 16 Vict. c. 80. s. 21.

34. Every such Examiner shall hold his Office during his good Behaviour, and so long as he shall personally give his Attendance upon his Duties, and shall conduct himself honestly and faithfully in the Execution of the Duties of his Office, but subject to the Power herein-after contained to remove any Examiner for any Cause which the Lord Chancellor and Judges removing may think sufficient.

and Clerks during Pleasure. 15 & 16 Vict. c. 80. s. 22.

35. Every such Clerk shall hold his Office at the Pleasure of the Judge to whose Court he shall be attached.

36. Such

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36. Such Examiners and Clerks shall be respectively under the Control of the Judge to whose Court they shall respectively be attached, and shall attend at such Places, during such Times, and for such Hours in each Day, and perform such Duties, as such Judge shall from Time to Time direct

Examiners and Clerks to be under Control and Direction of Judges 15 & 16 Vict c. 80. s. 23.

37. Every Examiner and every Clerk to be appointed under this Act shall be subject and liable to such and the same Prohibitions, Prosecutions, Penalties, and Punishments, as are by an Act passed in the Session holden in the Fourth Year of the Reign of King George the Fourth, Chapter Sixty-one, and in the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter Seventy-four, imposed and directed with respect to Persons holding any Office, Situation, or Employment in the said Court of Chancery, or under any of the Judges or Officers thereof, in the same Manner as if the Enactments therein contained relating to such Officers of the said Court respectively were here repeated.

Examiner and Clerks subject to same Penalties, &c. as imposed, &c. under Act 4 Geo. 4. c. 61. and 6 & 7 W. 4. c. 74. as respects Officers of the Court of Chancery. 15 & 16 Vict. c. 80. s. 24.

38. It shall be lawful for the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, by any Order to remove any Examiner to be appointed under this Act from his Office, without stating any Cause for such Removal.

Power to Lord Chancellor with Concurrence of Judges, to remove Examiner 15 & 16 Vict. c. 80. s. 25

39. The Business to be disposed of by the Master of the Rolls and Vice Chancellors respectively while sitting at Chambers shall consist of such Matters as the Judge shall from Time to Time think may be more conveniently disposed of in Chambers than in open Court, or as may from Time to Time be directed by any General Order of the Court.

Business to be disposed of in Chambers by the Judges. 15 & 16 Vict. c. 80. s. 26.

40. It shall be lawful for the Master of the Rolls and each of the Vice Chancellors respectively when sitting in open Court to adjourn for Consideration in Chambers any Matter which, in the Opinion of such Judge, may be more conveniently disposed of in Chambers, or, when sitting in Chambers, to direct any Matter to be heard in open Court which he may think ought to be so heard.

Judges may adjourn from open Court to Chambers, and vice versâ, the Consideration of any Matter 15 & 16 Vict c. 80. s. 27.

41. The Mode of Proceeding before the Master of the Rolls and Vice Chancellors respectively at Chambers shall be as near as may be according to the Form now adopted by the Judges of the Landed Estates Court in Ireland when sitting at Chambers.

Mode of Proceeding before Judges at Chambers to be by Summons as at Common Law 15 & 16 Vict. c. 80. s. 28.

42. From and after the *First Day of Michaelmas Term One thousand eight hundred and sixty-five* the Master of the Rolls and the

Power to the Judges to direct what

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Matters, &c. shall be done or investigated by their Examiners. 15 & 16 Vict. c. 80. s. 29.

the Vice Chancellors respectively shall have the sole Power (subject to any General Orders which may be made) to order what Matters of Detail shall be transacted or investigated by and before their respective Examiners; but all Accounts shall be taken and all Inquiries shall be prosecuted before the Judge in person, unless he shall consider that special Circumstances render the taking of such Account or the prosecuting of said Inquiry before himself inexpedient.

Power to Examiners to issue Advertisements and vouch Accounts as the Judge shall direct 15 & 16 Vict c 80 s. 30.

43. Each Examiner shall, for the Purpose of any Proceedings directed by [the Judge] to be taken before him, have full Power to issue Advertisements and to vouch Accounts as the Judge shall direct, but shall not administer Oaths or take Affidavits.

All Powers possessed by Masters to be exercised by Judges. 15 & 16 Vict. c. 80. s. 36.

44. From and after the *First Day of Michaelmas Term One thousand eight hundred and sixty-five* all or any of the Powers, Authorities, and Jurisdiction given to the Masters in Ordinary of the said Court by any Act or Acts then in force may be exercised by the Master of the Rolls and Vice Chancellors respectively.

Power to Judges to exercise the Powers given by Sections 6, 7, and 8. of this Act, and to dispose of any Cause, &c. in open Court. 15 & 16 Vict. c. 80. s. 37.

45. From and after the *First Day of Michaelmas Term One thousand eight hundred and sixty-five* the Powers given to the Masters in Ordinary of the said Court, and to the Court, by Sections Six, Seven, and Eight of this Act, may be exercised by the Master of the Rolls and Vice Chancellors respectively with respect to Causes, Matters, and Things which may be depending before them respectively in Chambers; and if and when any such Judge shall be of opinion that any Cause, Matter, or Thing so depending ought to be finally disposed of, unless the Parties or some of them can show good Cause to the contrary, he shall direct the same to stand in his List in open Court, giving such Notice thereof, if any, as he shall deem right, and proceed to dispose thereof accordingly.

Power to Lord Chancellor, with Advice, &c of Judges, to make Rules and Orders for regulating the Mode of Procedure at Chambers, Payment of Fees, &c. 15 & 16 Vict. c. 80. s. 38.

46. It shall be lawful for the Lord Chancellor, with the Advice and Consent of the Lord Justice of the Court of Appeal in Chancery, Master of the Rolls, and Vice Chancellors, or any Two of them, and they are hereby required, forthwith to make and issue General Rules and Orders for regulating the Times and Form and Mode of Procedure before the Master of the Rolls and Vice Chancellors respectively sitting at Chambers, and their respective Examiners, and generally the Practice of the said Court in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to Solicitors of the said Court in respect to such Matters, and also for regulating the Fees to be payable by Suitors of the said Court to the Officers thereof in respect of the Business to be conducted before the

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the Master of the Rolls and Vice Chancellors respectively sitting at Chambers, and their respective Examiners; and such Rules and Regulations may from Time to Time be rescinded, altered, varied, or added to by the like Authority; and all such Rules and Regulations as aforesaid shall take effect as General Orders of the said Court: Provided always, that no greater Amount of Fees shall be payable by the Suitors of the said Court to the Officers thereof, in respect of the Business to be conducted before the Master of the Rolls and the Vice Chancellors respectively sitting at Chambers, and their respective Examiners, than is now levied in respect of similar or analogous Business in the Masters Offices.

Business in Masters Offices to be conducted in the same Manner as similar Business is conducted by Judges, &c 15 & 16 Vict c. 80. s. 39.

47. From and after the said *First Day of Michaelmas Term One thousand eight hundred and sixty-five* the Course of Practice and Proceeding in the Offices of the Masters in Ordinary of the said Court, so far as the same may be inconsistent with the Rules and Regulations to be so as aforesaid made by the Lord Chancellor with such Advice and Consent as aforesaid, shall be abolished; and the Masters in Ordinary of the said Court shall, with reference to the Proceedings before them, adopt all such Rules and Regulations, and shall conduct the Business of their respective Offices, as nearly as may be, in the Manner in which similar Business shall be conducted by the Master of the Rolls and Vice Chancellors respectively, save only that the Master, instead of communicating directly with the Judge, is to report shortly the Result of his Inquiries to the Court.

Power to obtain the Assistance of Accountants, Merchants, &c. 15 & 16 Vict. c. 80. s. 42.

48. It shall be lawful for the said Court, or any Judge thereof, in such Way as they may think fit, to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court or Judge to determine any Matter at issue in any Cause or Proceeding, and to act upon the Certificate of such Persons.

Taxing Master to regulate Fees, &c., subject to Appeal. 15 & 16 Vict. c. 80. s. 43.

49. The Allowances in respect of Fees to such Accountants, Merchants, Engineers, Actuaries, and other scientific Persons shall be regulated by the Taxing Master of the said Court, subject to an Appeal to the Judge to whose Court the Cause or Matter shall be attached, whose Decision shall be final.

Salary of Vice Chancellors.

50. *There shall be paid to each of the Vice Chancellors for the Time being the net yearly Salary of which Salary shall issue and be payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and*

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Ireland, and shall be free from all Taxes and Deductions, except in respect of Income Tax, and shall be paid quarterly on the First Day of January, the First Day of April, the First Day of July, and the First Day of October in every Year, by equal Portions, and the first of such Payments, or a proportionate Part thereof, to be computed from the Time of the Appointment of such Vice Chancellor respectively, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment; and upon the Resignation, Death, or Removal from Office of any such Vice Chancellor, such Vice Chancellor, his Executors or Administrators, shall be paid such proportionate Part of his Salary as shall have accrued from the Time of the Commencement of such Salary, or from the last quarterly Day of Payment thereof, to the Time of such Resignation, Death, or Removal from Office.

Returning Pension to Vice Chancellors. 5 Vict. c. 5. s. 36.

51. *Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Vice Chancellor, in pursuance of this Act, an Annuity not exceeding to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Vice Chancellor, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, except Income Tax, by equal Portions, on the same quarterly Days as the Salary of such Vice Chancellor was payable; and the first quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on such of the same Days as shall happen next after the Resignation of the said Office; and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of ; provided also, that no Annuity granted to any Person having executed the Office of Vice Chancellor under this Act shall be valid unless such*

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such Person shall have continued in the said Office, or in the said Office and the Office of a Judge in One or more of Her Majesty's Superior Courts, or Judge of Her Majesty's Court of Probate in Ireland, or Judge of the Landed Estates Court, or of Master in Ordinary of the said Court of Chancery, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Appointment of Court Keepers, Criers, and Tipstaffs.

52. It shall be lawful for each of the Vice Chancellors to be appointed under this Act, and his Successors in Office, from Time to Time to appoint a Court Keeper, Crier, and Tipstaff, to be respectively attached to his Court, and the Salaries of the Persons so to be appointed shall be of such respective Amounts as the Lord Chancellor and the Commissioners of Her Majesty's Treasury shall in each Case determine; and such Salaries shall be paid to each Person so to be appointed out of the Funds herein-after mentioned.

Salaries to be paid to each Examiner and each Clerk, with Power to the Lord Chancellor from Time to Time to increase same. 15 & 16 Vict. c. 80. s. 44.

53. There shall be paid to every Examiner of the Master of the Rolls and Vice Chancellor respectively the net yearly Salary of , and to every Clerk to be appointed under this Act the net yearly Salary of ; and it shall be lawful for the Lord Chancellor from Time to Time by any Order to direct that the Salary of any such Examiner as aforesaid may be increased from Time to Time until the same shall amount to the net yearly Sum of , and to direct that the Salary of such Clerk may be increased to the net yearly Sum of : Provided always, that no such Increase shall be made to any such Examiner until he shall have been in Office for Three Years, nor to such Clerk until he shall have been in Office Five Years, nor in either Case without a Certificate from the Judge to whose Court such Examiner or Clerk shall be attached, that he has conducted himself in such Office to the entire Satisfaction of such Judge: Provided also, that the Salary to such Examiner shall not be increased at any One Period by any greater Amount than the Sum of .

On Retirement of Masters, their Examiners to be entitled to Retiring Pensions of same Amount as Salary. 15 & 16 Vict. c. 80. s. 46.

54. It shall be lawful for every Person who on the First Day of Hilary Term One thousand eight hundred and sixty-five held the Office of Examiner to any of the Masters in Ordinary of the said Court of Chancery, and who is not appointed an Examiner to the Master of the Rolls or to One of the Vice Chancellors under the Authority of this Act, upon the Master to whom he shall be such Examiner being released from the Duties as such Master under the Authority of this Act, or upon the Death or Resignation of any such Master previously to his being so released, to continue to be entitled

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to receive during his Life, by way of Retiring Pension, the full Amount of his Salary as such Examiner, such Salary to be paid and payable out of such Funds and in such Manner as herein-after in that Behalf directed.

Compensation to Clerks on Retirement of Masters. 15 & 16 Vict. c. 80. s. 47.

55. It shall be lawful for any Person who on the said First Day of Hilary Term One thousand eight hundred and sixty-five held the Office of Clerk to any Master in Ordinary of the said Court of Chancery hereby released, or who shall be released by the Lord Chancellor under the Authority of this Act, to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury for the Time being, at any Time after the Master in whose Office he shall have been employed shall have been released; and such Commissioners are hereby required, within the Space of *Six Calendar Months* after every such Claim shall be made, by Examination upon Oath or otherwise, which Oath they and every of them are and is hereby authorized to administer, to inquire whether any, and, if any, what Compensation ought to be made to such Person claiming such Compensation; and in all Cases in which it shall appear to the said Commissioners that Compensation ought to be granted, it shall be lawful for the said Commissioners, by Warrant under their Hands, to order and direct that such annual Compensation shall be made to the Persons claiming such Compensations as aforesaid, or any of them, as to the said Commissioners in their Discretion shall seem just and reasonable; and all such Compensations shall be paid and payable out of such Funds and in such Manner as herein-after in that Behalf directed: Provided always, that an Account of all such Compensation shall, within Fourteen Days next after the same shall be so granted, be laid on the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of the Parliament then next following.

Salaries, &c. to be paid quarterly out of the Suitors Fee Fund Account. 15 & 16 Vict. c. 80 s. 48.

56. Except as herein otherwise provided, all Salaries under this Act shall grow due from Day to Day, but shall be payable, under an Order of the Lord Chancellor, on the First Day of January, the First Day of April, the First Day of July, and the First Day of October in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing in the Name of the Accountant General of the Court of Chancery, to the Account intituled "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

57. Except

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Payment of Compensations to be made quarterly out of Suitors Fee Fund. 15 & 16 Vict. c. 80. s. 49.

57. Except as herein otherwise provided, all Compensations under this Act shall grow due from Day to Day, but shall be payable on the First Day of January, the First Day of April, the First Day of July, and the First Day of October in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing in the Name of the Accountant General of the Court of Chancery to the Account intituled "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

On Appointment of Masters or Clerks to Office or Employment under the Crown, the Retiring Pension or Compensation under this Act to be regulated by the Salary, &c. of such Office or Employment. 15 & 16 Vict. c. 80. s. 50.

58. If at any Time hereafter any of the Masters in Ordinary of the said Court, or any of their Examiners or Junior Clerks, shall be appointed to and shall accept any Office or Employment connected with any Court of Law or Equity, or under the Crown, or in any Public Department under the Crown, and if the Salary attached to such Office or Employment, or any Retiring Pension or Allowance in respect thereof, shall equal or exceed in Amount the Retiring Pension or Compensation payable to such Master or such Examiner or Clerk under this Act, such last-mentioned Retiring Pension or Compensation shall, during the Continuance of such Master or such Examiner or Clerk in such Office or Employment, or so long as he shall be in the Receipt of any Retiring Pension or Allowance in respect thereof equal to or greater than his Retiring Pension or Compensation under this Act, cease to be payable to such Master or such Examiner or Clerk, as the Case may be; and if the Salary attached to such Office, or the Retiring Pension or Allowance in respect thereof, shall be less than the Amount of such Master's Retiring Pension or such Examiner's Clerk's Compensation under this Act, such Retiring Pension or Compensation under this Act shall be reduced by the Amount of such Salary or of such Retiring Pension or Allowance, as the Case may be.

Rights and Establishments of the present Masters to continue until released in pursuance of this Act. 15 & 16 Vict. c. 80. s. 68.

59. Nothing herein contained shall in anywise prejudice or affect the Title of the present Masters in Ordinary of the said Court to the Salaries payable to them as such Masters unless and until they shall be respectively released under this Act, or the Power of the Lord Chancellor to order a Retiring Allowance to any of them or any of their Examiners or Clerks who may be or become afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and who shall be desirous of resigning the same; and every of the present Masters in Ordinary of the said Court, until released under this Act, shall have the same Establishment of Examiners and

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Clerks, whose Salaries and Compensations shall be payable out of the same Funds as the Salaries and Compensations of their Clerks are now payable; and all the Expenses attending the Establishment of the Masters Offices shall be paid in like Manner as such Expenses are now paid.

Office of Receiver Master preserved

60. The Office of Receiver Master shall be maintained for the Discharge of the Duties herein-after specified; and Gerald Fitzgibbon, Esquire, the present Receiver Master of the said Court, shall be the Receiver Master of the said Court pursuant to this Act, and the said Gerald Fitzgibbon, and his Successors in the said Office, shall discharge the Duties herein-after specified: Provided always, that nothing in this Act contained shall be held to repeal or affect the Provisions of any Act or Acts, or any Law or Usage, relating to the Appointment, Salary, and Retiring Annuities of the said Receiver Master, or his Successors in Office, or the Provisions of any Act or Acts relating to the Master's Examiner or Assistant Clerk, or the Establishment or Office of the said Master, or his Successors in Office.

Powers of Receiver Master.

61. The said Receiver Master, and his Successors in Office, shall, subject to any General Orders to be made by the Court, continue to have, exercise, and perform all such Authorities, Powers, and Duties as shall upon the said First Day of Hilary Term One thousand eight hundred and sixty-five be possessed, exercised, and performed by him, or any other Master in Ordinary of the said Court, with reference to Receivers, Receivers Accounts, and the Management of Estates under Receivers, and all other Matters relating to Receivers, and also all such and such other Authorities, Powers, and Duties as shall on the said First Day of Hilary Term One thousand eight hundred and sixty-five be possessed, exercised, and performed, or shall be or have been imposed or conferred on him, or on any other Master, with respect to the auditing or keeping of any Accounts, or the Discharge of any other Duties in relation thereto: Provided always, that nothing in this Act contained shall affect the Power of the said Receiver Master in relation to the winding-up of any Suits which on the First Day of Michaelmas Term One thousand eight hundred and sixty-five may be pending in his Office.

Duties of Receiver Master.

62. The Receiver Master under this Act, and his Successors in Office, shall, in addition to the Duties above mentioned, discharge such Duties with relation to the auditing of Accounts in Minor and Lunatic Matters and Causes, and the Management and letting of the Estates of Minors and Lunatics, and the auditing of such other Accounts

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Accounts as the said Court shall by any General Orders to be made as by this Act provided direct.

References to Receiver Master.

63. It shall be lawful for the Lord Chancellor, the Master of the Rolls, the Vice Chancellors, the Judges of the Court of Appeal in Chancery, and the Masters to make such References to the said Receiver Master under this Act, and his Successors in Office, in relation to Receivers and the auditing of Accounts, and the Management and letting of Estates, as the Court shall by any General Orders to be made as by this Act provided direct, anything in this Act to the contrary notwithstanding.

Construction of Terms.

64. In the Construction of this Act the Expression "Her Majesty" shall mean the Sovereign for the Time being; and the Expression "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the Kingdom of Ireland for the Time being.

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Court of Chancery (Ireland) (No. 3.)

A

BILL

To amend the Constitution of the Court of Chancery in Ireland, and to reduce the Number of Judges in the Landed Estates Courts.

(*Prepared and brought in by Mr. Whiteside and Mr. George.*)

Ordered, by The House of Commons, *to be Printed*, 22 *February* 1865.

[Bill 38.]

Under 3 *oz.*

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